

# GOUST CORONERS, SAYS WALLSTEIN

## Report to Mayor Mitchel Finds System Is "a Public Scan- dal and Disgrace."

### INCOMPETENT AND CORRUPT

## Juries Packed, Crime Shielded, Undertakers Favored, with Courts "a Farce."

### WANTS MEDICAL EXAMINERS

## Investigator Suggests Adoption of Massachusetts Plan—Approval of Proposed Bill Expected.

The immediate abolishment of the Coroners' offices of New York City is recommended by Leonard M. Wallstein, Commissioner of Accounts, in a report made yesterday to Mayor Mitchel. A continuance of the present system, according to the report, would constitute a "public scandal and disgrace." The recommendations also call for the elimination of the "scandalous jury system and the Coroners' court." It is impossible, according to the report, to have honest Coroners under the present system.

Commissioner Wallstein recommends the adoption of a system of medical examination with experienced pathologists. He would install non-elective officers such as have been employed in Suffolk County, Mass., for nearly forty years. The Chief Examiner under this system is appointed by the Governor for seven years. That method, Commissioner Wallstein says, is the best one in the United States for the safeguarding of the public. The magisterial functions now held by the Coroners are entrusted to the judiciary, an arrangement that would be most salutary for New York, the report says.

In a letter to Mayor Mitchel which accompanied the formal report there is the suggestion that "legislative action alone can furnish any thorough remedy for the wretched situation which has been found." A proposed bill abolishing the Coroner system and substituting Medical Examiners is now in preparation. It calls upon the District Attorney's office to investigate crimes at first hand. There is probably no man in the State better acquainted with the deficiencies of the Coroner system as a deterrent to crime than Gov. Whitman is, owing to his service as District Attorney. The proposed measure, therefore, is believed, will have the support not only of Mayor Mitchel but of the Governor. If the new system were instituted, according to the report, an annual saving of \$50,000 could be effected.

### Hellenstein's Work "Scandalous."

The report is based on the testimony of 390 witnesses who were examined by Commissioner Wallstein. It contains only a few personalities. Coroner Hellenstein is marked for conduct "particularly scandalous," and Dr. Otto Schultz is picked as the only Coroner's physician who is competent. A summary of the most important findings follows:

The elective Coroner in New York City represents a combination of power, obscurity, and irresponsibility which has resulted in inefficiency and malfeasance in the administration of the office.

With constant temptation and easy opportunity for favoritism and even extortion, with utter lack of supervision and control, and without the slightest preparation and training to create in the Coroner's mind a scientific and professional interest in the performance of his duties, the present system could not have been better devised intentionally to render improbable, if not impossible, the honest and efficient performance of the important public function intrusted to his office.

### Coroner a Political Asset.

Of the sixty-five men who have held the office since consolidation, not one was thoroughly qualified by training or experience for the adequate performance of his duties. The Coroner should not be an elective officer, since he has no questions of public policy to settle. Candidates for Coroner are nominated "to balance the ticket," to represent a given race, religion, class, political faction, or geographical portion of the city. Thus, almost every consideration except qualification for the position determines his choice.

Many of the Coroners are absurdly ignorant both as to the legal and the medical aspects of their work. The type of man usually elected to the office of Coroner is entirely unfit for the exercise of judicial functions, as shown by the general practice of establishing compromising relations with corporations and others who are frequently involved in litigation before the Coroners' Court.

Most of the Coroners' physicians in New York City have been drawn from the ranks of medical mediocrity. Some of them have favorite causes of death which, without the shadow of reason, they are in the habit of assigning in cases of doubt.

The Coroners' physician is a law unto himself and is subject to no continuous or effective control. A serious result of this lack of supervision is that it facilitates extortion by Coroners' physicians.

### Fail to Deter Crime.

An analysis of 800 inquisition papers made by Deputy Health Commissioner Emerson finds that in 320 cases, or 40 per cent. of those examined, there is a complete lack of evidence to justify the certified cause of death. The incompetent medical work of the Coroners' physicians persists in the investigation of criminal deaths and deprives the community of an absolutely necessary deterrent to crime.

So far as the activity of the Coroners' office in New York City is concerned, infanticide and skillful poisoning can be carried on almost with impunity. Under the elective Coroners' system, and in the face of exceedingly difficult conditions surrounding successful criminal prosecution, New York City is compelled to get along virtually without aid from

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# OUST CORONERS, SAYS WALLSTEIN

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the science of legal medicine, a situation which exists in no other great city in the world.

The system of Coroners' juries, both as to law and practice, makes the administration of justice in the Coroners' Court a scandal and a farce. Coroners' juries can readily be and actually have been packed with friends of defendants before them. The system of Coroners' juries offers a ready means of petty extortion.

The records kept by the Coroners' office are meagre, uninforming, and practically valueless. In criminal prosecutions the District Attorney usually receives no adequate medical data whatever. On the contrary, the District Attorneys' investigations are sometimes impeded by the bungling interference of the Coroner.

## Packed Juries Called.

In the field of criminal abortion, far from serving to detect crime, the Coroners' system has become an agency for shielding defendants and concealing criminality. In connection with abortion cases, Coroners have called or failed to call juries as best suited their purposes, have packed juries, have intentionally failed to call necessary witnesses, or to cause police investigation, or to utilize the results of such investigation when made.

Where the available facts have fairly indicated that death was due to criminal abortion, Coroners have without further investigation attributed death to causes unknown.

The conduct of Coroner Hellenstein in connection with such cases has been particularly scandalous.

Coroners have abused their powers to compel the employment of favored undertakers by the unfortunate families of deceased persons. Subordinates in the Coroners' office have made disgusting alliance with favored undertakers for the purpose of facilitating their employment in Coroners' cases.

Civil rights and liabilities have been profoundly affected by the findings of the Coroner, whose action in many cases has been a travesty on justice. Attempts have not infrequently been made to extort sums of money from insurance companies in return for findings in the companies' interest.

Until the enactment of the Workmen's Compensation law the Coroner has scandalously injured the rights of deceased workmen and has helped to make for employing corporations cases which would relieve them of liability for their workmen's deaths.

### Waste of \$172,000 a Year.

The Coroners' office is overmanend with unnecessary and political subordinates at salaries grossly in excess of the value of their services. The position of private clerk to a Coroner is a political sinecure. No office supported out of the city treasury has been more loath to establish any system of efficiency records by which could be measured the amount and effieciency of work rendered.

The chief clerk of the Board of Coroners for the Borough of Manhattan is a political leader, maintained out of the public treasury, who renders practically no official service. Many petty grafts and abuses have become prevalent among employees of the Coroners' system.

The maintenance of the present coroners' system is a sheer waste of public money amounting to over \$172,000 per year. It costs the city \$11,000 a year to pay for the services of a single unqualified Coroner, his mediocre physician and his personal clerk, who spends most of his time on his own private affairs.

The report sets forth the public admissions by various Coroners now in office that the Coroners' office should be abolished. The deficiencies pointed out, Commissioner Wallstein says, have been known for a long time. He charges that there could have been a remedy long ago if it had not been for "purely selfish political considerations."

### Massachusetts Plan Favored.

Referring at the end of the report to his study of the system in Suffolk County, Mass., Commissioner Wallstein says that the success of that plan is beyond doubt. The records made by the medical examiners there, he says, are so high as to make any comparison with the New York returns ridiculous.

"The medical conclusions of the Massachusetts system," he says, "are not a joke, and its proceedings are not a travesty or a disgrace; it has not conspired to set defendants free; it has not concealed information from the criminal authorities; it has not made disgusting alliances with undertakers; it has not used its powers for extortion. It is seldom, indeed, that the choice between two methods of fulfilling a public function is as clear as the distinction between day and night."

## FEINBERG CRITICISES REPORT.

## President of Coroners Calls Wallstein's Findings "One-Sided."

After he had seen a copy of Commissioner Wallstein's report on the Coroners' office, Dr. Israel L. Feinberg, President of the Board of Coroners, who testified at the investigation that the office should be abolished, said last night:

"The report should be taken with a grain of salt, as it is all one-sided. All the bad things of the office are told and not one of the good things.

"I do not believe that the office should be turned over to pathologists entirely. An administrator of good medical calibre should be appointed, and the deputy medical examiners should be pathologists and toxicologists.

"Commissioner Wallstein suggests that the Mayor should appoint the chief officer. It is the function of the State

to prosecute and punish crime, and, as the District Attorney and the Sheriff are appointees of the Governor, in lieu of an election, the Governor should appoint the chief medical officer or mortuary officer.

"In reference to his findings that most of the Coroners' physicians have been 'drawn from the ranks of medical mediocrity,' there is this much to be said for the Coroners' physicians. Their salary is \$3,000 a year, and you can't expect to get a fifteen-thousand-dollar man for that. I don't know whether he wishes to include me under this classification. I don't think it would be justified, as I practically gave up a \$12,000 practice to take up a \$6,000 position as Coroner. After a professional career of twenty-one years, I think it would be obviously unfair to infer I am in the ranks of 'medical mediocrity.'

"It has been admitted from many sides that my work in all cases has entitled me to credit which Mr. Wallstreet does not give. I am proud of the fact that I have received much commendation in many important cases, such as the Rosenthal, Lustig, and Aumuelle murders.

"I do not find any reference to the fact that I made an effort two years ago to have a bill passed to place the Coroners' jurors under the jurisdiction of the Commissioner of Jurors, placing them on the same basis as other common juries, and automatically doing away with the evils pointed out. This bill was passed in the Assembly, but defeated in the Senate."